

REMARKS

This responds to the Office Action dated on December 23, 2004.

Claims 1, 6, and 11 are amended, and no claims are cancelled or added; as a result, claims 1-18 remain pending in this application.

Double Patenting Rejection

Claims 1-18 were provisionally rejected under the judicially created doctrine of double patenting over claims 1-19 of co-pending Application No. 09/952,520 (U.S. 2002/0152373).

Applicant will file a terminal disclaimer if needed upon allowance of claims that are subject to a double patenting term restriction.

§103 Rejection of the Claims

Claims 1, 6, 11, and 13-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alles et al. (U.S. 6,466,976) in view of deBoer et al. (U.S. 6,658,013) and in further view of Rao (U.S. 6,674,745).

Claims 2-5, 7-10 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alles et al., deBoer et al., Rao and in further view of Garner (U.S. 6,243,580). Alles describes a system in which subscribers or users of an Internet access service have associated service policies embodied as process rules, such that separate processing rules can be associated with each subscriber. Examples include bandwidth limits, time of day restrictions, and packet prioritization. The process rules are applied via a device between the subscribers and the Internet, and includes the ability to handle multiple subscribers across multiple processors.

de Boer describes a system in which communication between two rings of network devices are linked in a manner to ensure survivability of a gateway failure. The network devices are coupled in rings comprising a pair of unidirectional fibre links, and both rings pass through each of the two gateways. The first gateway links the network rings such that a communications service is provided between the two rings, and the second gateway monitors the first gateway and establishes a new inter-ring connection upon failure of the first gateway.

Rao describes a network switch partitioned into a number of virtual routers, where each router includes its own router table and supports a variety of physical and network layer services such as ISDN, modems, and layer 2 and layer 3 switching. Each virtual router is assigned a share of available resources and an IP address, and is able to operate semi-independently from the other virtual routers.

In contrast, the amended claims describe a system in which a first processing system comprises a plurality of processors connected in a ring configuration, and a secure tunnel IP connection couples the first processing system and at least one second processing system such that the first system is able to provide application layer services such as routing services for the one or more second systems. In one such example, the first system is at a service provider's location, and provides services such as a firewall, e-mail service, and other such functions to various customers using second systems lined via IP connection tunnels.

The claim amendments clarify that the ring configuration is between processors in the first system and is not linking various networked systems, distinguishing the pending claims from de Boer. Further, the ring networked network elements of de Boer are not the elements providing the network services, but are clients of the connectivity services that are provided by the two gateways which are simply linked to one another. As the services provided are application layer services such as routing and not network or physical layer services as in Rao, the claimed system is further distinct from the cited references.

It should be noted that various elements of the cited references have been combined piecemeal to anticipate the claims as they stood before amendment, and a showing of motivation to combine the three references is lacking within the references themselves. Should any rejection be maintained, it is requested that such a showing of motivation within the references themselves be shown so that the motivation for combining the various references with one another can be considered in formulating a response.

Because the claimed elements are not arranged as recited in the pending claims and do not function as recited in the pending claims, the applicant believes the claims are in condition for allowance. Reexamination and allowance of the pending claims is therefore respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9581 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Petitions, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2 day of March, 2006.

JACLYN SKIBA

Name

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Signature